

**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

STATE COMMITTEE FOR SOCIAL WORKERS  
3605 Missouri Boulevard  
P.O. Box 1335  
Jefferson City, MO 65102-1335

Petitioner,

v.

TONI CARTER  
10214 Hobkirk  
St. Louis, MO 63137

Respondent.

No. 04-0462 SW

**JOINT MOTION FOR CONSENT ORDER, JOINT STIPULATION OF FACTS,  
WAIVER OF HEARINGS BEFORE THE ADMINISTRATIVE HEARING  
COMMISSION AND STATE COMMITTEE FOR SOCIAL WORKERS, AND  
CONSENT ORDER WITH JOINT PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 C.S.R. § 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo, as made applicable to the Administrative Hearing Commission by § 621.135, RSMo, the parties waive the right to a hearing of the above-styled case before the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the State Committee for Social Workers under § 621.110, RSMo, and jointly

stipulate to the facts and consent to the imposition of disciplinary action against the social worker license of Respondent for violation of the statutes set forth below.

Respondent acknowledges that she has received a copy of the Complaint to be filed by the State Committee for Social Workers with the Administrative Hearing Commission and the parties submit to the jurisdiction of the Administrative Hearing Commission.

Respondent acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint to be filed against her prior to the Administrative Hearing Commission entering its order; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against her; and the right to a ruling on questions of law by an administrative hearing commission. Being aware of these rights provided her by operation of law, Respondent Toni Carter knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

**I.**

Based upon the foregoing, Petitioner and Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

**Joint Proposed Findings of Fact**

1. The Missouri State Committee for Social Workers ("Committee") is an agency of the state of Missouri created and established pursuant to § 337.050, RSMo, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.
2. At all times relevant herein, Toni Carter ("Licensee") was licensed by the Committee as a social worker, license number 004004.
3. At all times relevant herein, Licensee was employed as a social worker by the Family Resource Center in St. Louis, Missouri.
4. Between about December 2002 and February 2003, Licensee submitted bills to Missouri Medicaid for social work services that she did not in fact provide.
5. After an investigation of all of Licensee's cases, Licensee's employer concluded that she had billed Medicaid for \$1,102 of individual and family therapy sessions that she did not provide.

6. On or about April 18, 2003, the Family Resource Center terminated Licensee's employment as a result of its managers' investigation of Licensee's billing practices.

7. Licensee's acts violated 4 C.S.R. §§ 263-3.020(2)(A) and (C), which provide:

(2) A licensed clinical social worker, provisional licensed clinical social worker, temporary permit holder and registrant shall not --

(A) Violate any ethical standard/disciplinary rule;

....

(C) Engage in conduct which is dishonest, deceitful or fraudulent;

....

8. Licensee's actions also violated 4 C.S.R. § 263-3.080(1)(B), which provides:

(1) A licensed clinical social worker, provisional licensed clinical social worker, temporary permit holder and registrant shall not --

....

(B) Engage in fraud or misrepresentation;

....

**Joint Proposed Conclusions of Law**

9. Cause exists for the Committee to discipline Licensee's license as a social worker pursuant to §§ 337.630.2(4), (5), (6), (13), and (15), which provide:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license

required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

....

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a clinical social worker;

....

(13) Violation of any professional trust or confidence;

....

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

## II.

### Joint Agreed Disciplinary Order

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Committee in this matter under the authority of § 621.110, RSMo. This disciplinary order will be effective immediately upon

the issuance of the Consent Order of the Administrative Hearing Commission without further action by either party:

1. Licensee's clinical social worker license, number 004004, is hereby immediately placed on PROBATION for a period of two (2) years ("disciplinary period"). Licensee may petition for early termination of this probation if she successfully completes the treatment program specified below and meets the requirements described and defined herein. The terms of the probation shall be:

A. REQUIREMENTS REGARDING SUPERVISED PRACTICE

- (1) Licensee's practice as a clinical social worker during the disciplinary period shall be supervised by a clinical social worker approved by the Committee. If Licensee fails to secure a supervisor within twenty (20) business days of the start of the disciplinary period, Licensee shall cease practicing clinical social work until a supervisor is secured. Licensee shall be responsible for any payment associated with the supervision.
- (2) In the event that the approved supervisor becomes unable or decides not to continue serving in his or her capacity as a supervisor or otherwise ceases to serve as a supervisor during the disciplinary period, Licensee shall:

(a) Notify the Committee in writing that Licensee needs to secure a new supervisor and the reasons for such change within three (3) business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor; and

(b) Secure a new supervisor pursuant to and in accordance with the terms and conditions set forth in this Joint Stipulation within twenty (20) business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor. Licensee shall not practice if she has not secured a supervisor within twenty business days.

- (3) The supervisor shall be vested with administrative authority over all matters affecting Licensee's provision of clinical social work services so that the ultimate responsibility for the welfare of every client is maintained by the supervisor.
- (4) The supervisor shall report to the Committee in writing at least once every three months on Licensee's compliance with this Joint Stipulation. It is Licensee's responsibility to ensure that these reports are provided in a timely manner.

**B. REQUIREMENTS REGARDING CONTINUING EDUCATION**

- (1) Licensee shall complete a three-hour ethics course that is pre-approved by the Committee. Licensee shall submit documentation of attendance at the ethics program to the Committee during the disciplinary period. The documentation shall indicate the course attended by Licensee during the disciplinary period and shall include a pamphlet, brochure, or other materials which indicate the content of the course. Failure to complete the required course and/or submit the required documentation in a timely manner shall result in a violation of the terms of discipline.

**C. REQUIREMENTS REGARDING COMPLIANCE**

- (1) Licensee shall submit a letter of compliance with the terms of her probation. The letter shall be submitted two (2) times a year during Licensee's disciplinary period. Failure to submit the letter of compliance in a timely manner shall result in a violation of the terms of discipline.

**D. GENERAL REQUIREMENTS**

- (1) During the disciplinary period, Licensee shall comply with all provisions of Chapters 337, RSMo; all regulations of the Committee, and all state and federal criminal laws. "State" here includes all states and territories of the United States.



- (2) During the disciplinary period, Licensee shall keep the Committee informed of her current work and home telephone numbers and addresses. Licensee shall notify the Committee in writing within ten days of any change in this information.
- (3) During the disciplinary period, Licensee shall timely renew her license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain her license in a current and active state.
- (4) During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor her compliance with the terms of this Joint Stipulation.
- (5) During the disciplinary period, Licensee shall appear in person for interviews with the Committee or its designee upon request.
- (6) Periods of residency or the practice of social work outside Missouri will not apply to the reduction of the disciplinary period. Licensee shall notify, in writing, the social work licensing authorities of the jurisdiction in which she is residing or practicing of her disciplinary status in Missouri by no later than the day before the beginning of the disciplinary period. Licensee shall forward a copy of the written notice to the Committee contemporaneously with sending it to the relevant

licensing authority. In the event Licensee should leave Missouri to reside or practice social work outside the state during the disciplinary period, Licensee shall notify the Committee in writing of the dates of departure and return no later than ten days before Licensee's departure. Furthermore, Licensee shall notify the social work licensing authorities in the jurisdiction in which she is residing or practicing of her disciplinary status in Missouri no later than ten days after the commencement of any residence or practice outside this state.

- (7) Licensee shall notify all facilities where she practices of her disciplinary status with fifteen days of the effective date of this Joint Stipulation. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.
- (8) For purposes of this Joint Stipulation, all reports, documentation, evaluations, notices, or other materials that must be submitted to the Committee shall be forwarded to the State Committee for Social Workers, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, Missouri 65102, unless otherwise specified in this Joint Stipulation.

2. The parties to this Joint Stipulation understand that the Committee will maintain this Joint Stipulation as an open and public record of the Committee as provided in Chapters 337, 610, and 620, RSMo.

3. Failure to comply with any of the terms of this Joint Stipulation shall be deemed a violation of the Joint Stipulation and shall be cause for further discipline.

4. Upon the Committee's determination that Licensee has failed to comply with the terms of this Joint Stipulation, it may revoke Licensee's license or may take such other or additional action against Licensee's license as it deems appropriate. No order shall be entered by the Committee pursuant to this paragraph without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536. RSMo.

5. Upon the successful completion of the disciplinary period, Licensee's Missouri clinical social worker license shall be fully restored if all other requirements of the law have been satisfied.

6. If the Committee determines that Licensee has violated a term or condition of this Joint Stipulation, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Joint Stipulation in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Joint Stipulation occurs during the disciplinary period, the Committee may choose to conduct a hearing before it either during the disciplinary period or as soon

thereafter as a hearing can be held to determine whether a violation has occurred and, if so, may impose further discipline. The Committee retains jurisdiction to hold a hearing to determine if a violation of this Joint Stipulation has occurred.

7. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated, except by a written instrument signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.

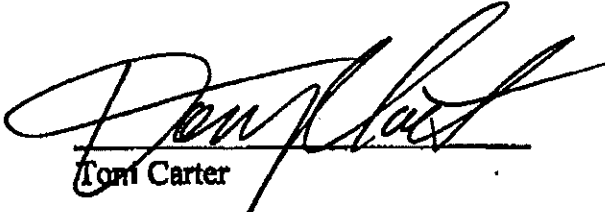
8. Licensee hereby waives and releases the Committee, its members, and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 USC § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this Joint Stipulation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this Joint Stipulation in that it survives in perpetuity even in the event that any court of law deems it or any portion thereof void or unenforceable.

In consideration of the foregoing, the parties consent to the entry of record an approval of this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of

Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Committee in the above-styled action.

## LICENSEE


## COMMITTEE

  
Tom Carter


  
Vanessa Beauchamp  
Executive Director

2/21/05  
Date

3/16/05  
Date

  
Thomas R. Carnes MBN 41570  
Attorney for Respondent  
5201 Hampton Avenue  
St. Louis, Missouri 63109-3102  
Phone: (314) 353-1001  
Facsimile: (314) 353-0181  
March 10, 2005  
Date

JEREMIAH W. (JAY) NIXON  
Attorney General

  
Stacy E. Yeung  
Assistant Attorney General  
Missouri Bar No. 56354

7<sup>th</sup> Floor, Broadway State Office Building  
221 W. High Street  
P.O. Box 899  
Jefferson City, MO 65101  
Telephone: (573) 751-5064  
Telefax: (573) 751-5660

Attorneys for the Committee